

Union Calendar No. 170

108TH CONGRESS
1ST SESSION

H. R. 1092

[Report No. 108-294]

To authorize the Secretary of Agriculture to sell certain parcels of Federal land in Carson City and Douglas County, Nevada.

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2003

Mr. GIBBONS introduced the following bill; which was referred to the Committee on Resources

OCTOBER 2, 2003

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 5, 2003]

A BILL

To authorize the Secretary of Agriculture to sell certain parcels of Federal land in Carson City and Douglas County, Nevada.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Nevada National Forest*
3 *Land Disposal Act of 2003”.*

4 **SEC. 2. FINDINGS AND PURPOSE.**

5 (a) *FINDINGS.*—*Congress finds the following:*

6 (1) *The United States owns, and the Forest Serv-*
7 *ice administers, land in small and large parcels in*
8 *Carson City and Douglas County, Nevada.*

9 (2) *Much of this Federal land is interspersed*
10 *with or adjacent to private land, which renders the*
11 *Federal land difficult, inefficient, and expensive for*
12 *the Forest Service to manage and more appropriate*
13 *for disposal.*

14 (3) *In order to promote responsible and orderly*
15 *development in Carson City and Douglas County, Ne-*
16 *vada, appropriate parcels of the Federal land should*
17 *be sold by the Federal Government based on rec-*
18 *ommendations made by units of local government and*
19 *the public.*

20 (b) *PURPOSE.*—*The purpose of this Act is to provide*
21 *for the sale of certain parcels of Federal land in Carson*
22 *City and Douglas County, Nevada.*

1 **SEC. 3. DISPOSAL OF NATIONAL FOREST SYSTEM LANDS,**
2 **CARSON CITY AND DOUGLAS COUNTY, NE-**
3 **VADA.**

4 (a) *DISPOSAL REQUIRED.*—*The Secretary of Agri-*
5 *culture (in this section referred to as the “Secretary”) shall*
6 *sell any right, title, or interest of the United States in and*
7 *to the following parcels of National Forest System lands*
8 *in Carson City or Douglas County, Nevada:*

9 (1) *The parcel of land referred to as the “Carson*
10 *Parcel”, consisting of approximately 3 acres, and*
11 *more particularly described as being a portion of the*
12 *southeast quarter, section 31, township 15 north,*
13 *range 20 east, Mount Diablo Base and Meridian.*

14 (2) *The parcel of land referred to as the “Jacks*
15 *Valley/Highway 395 Parcel”, consisting of approxi-*
16 *mately 28 acres, and more particularly described as*
17 *being a portion of the southeast quarter, section 6,*
18 *township 14 north, range 20 east, Mount Diablo Base*
19 *and Meridian.*

20 (3) *The parcel of land referred to as the “Indian*
21 *Hills Parcel”, consisting of approximately 75 acres,*
22 *and more particularly described as being a portion of*
23 *the southwest quarter, section 18, township 14 north,*
24 *range 20 east, Mount Diablo Base and Meridian.*

25 (4) *The parcel of land referred to as the “Moun-*
26 *tain House Area Parcel”, consisting of approximately*

1 40 acres, and more particularly described as being a
 2 portion of the northwest quarter northeast quarter,
 3 section 12, township 10 north, range 21 east, Mount
 4 Diablo Base and Meridian.

5 (5) The parcel of land referred to as the “Hol-
 6 brook Junction Area Parcel”, consisting of approxi-
 7 mately 80 acres, and more particularly described as
 8 being a portion of the west half of the southwest quar-
 9 ter, section 7, township 10 north, range 22 east,
 10 Mount Diablo Base and Meridian.

11 (6) The two parcels of land referred to as the
 12 “Topaz Lake Parcels”, consisting of approximately 5
 13 acres (approximately 2.5 acres per parcel), and more
 14 particularly described as being portions of the north-
 15 west quarter, section 29, township 10 north, range 22
 16 east, Mount Diablo Base and Meridian.

17 (b) MODIFICATION OF DESCRIPTIONS.—The Secretary
 18 may—

19 (1) correct typographical or clerical errors in the
 20 descriptions of land specified in subsection (a); and

21 (2) for the purposes of soliciting offers for the
 22 sale of such land, modify the descriptions based on—

23 (A) a survey; or

1 (B) a determination by the Secretary that
2 the modification is in the best interest of the
3 public.

4 (c) *SELECTION AND SALE.*—

5 (1) *COORDINATION.*—The Secretary shall coordi-
6 nate the sale of land under this section with the unit
7 of local government in which the land is located.

8 (2) *EXISTING RIGHTS.*—The sale of land under
9 this section shall be subject to all valid existing rights,
10 such as rights-of-way, in effect as of the date of the
11 sale.

12 (3) *ZONING LAWS.*—The sale of land under this
13 section shall be in accordance with local land use
14 planning and zoning laws and regulations.

15 (4) *SOLICITATIONS OF OFFERS.*—The Secretary
16 shall solicit offers for the sale of land under this sec-
17 tion, subject to any terms or conditions that the Sec-
18 retary may prescribe. The Secretary may reject any
19 offer made under this section if the Secretary deter-
20 mines that the offer is not adequate or not in the pub-
21 lic interest.

22 (5) *METHOD OF SALE.*—The Secretary may sell
23 the land described in subsection (a) at public auction.

24 (d) *DISPOSITION OF PROCEEDS.*—

1 (1) *PAYMENTS AND DEPOSITS.*—Of the gross pro-
2 ceeds from any sale of land under this section, the
3 Secretary shall—

4 (A) pay five percent to the State of Nevada
5 for use for the general education program of the
6 State;

7 (B) pay five percent to the Carson Water
8 Subconservancy District in the State;

9 (C) deposit 25 percent in the fund estab-
10 lished under Public Law 90–171 (commonly
11 known as the “Sisk Act”; 16 U.S.C. 484a); and

12 (D) retain and use, without further appro-
13 priation, the remaining funds for the purpose of
14 expanding the Minden Interagency Dispatch
15 Center in Minden, Nevada, as provided in para-
16 graph (3).

17 (2) *USE OF SISK ACT FUNDS.*—The amounts de-
18 posited under paragraph (1)(C) shall be available to
19 the Secretary until expended, without further appro-
20 priation, for the following purposes:

21 (A) Reimbursement of costs incurred by the
22 local offices of the Forest Service in carrying out
23 land sales under this section, except that the
24 total amount of reimbursement may not exceed
25 10 percent of the total proceeds of the lands sales.

1 (B) *The development and maintenance of*
 2 *parks, trails, and natural areas in Carson City,*
 3 *Douglas County, or Washoe County, Nevada, in*
 4 *accordance with a cooperative agreement entered*
 5 *into with the unit of local government in which*
 6 *the park, trail, or natural area is located.*

7 (3) *MINDEN INTERAGENCY DISPATCH CENTER.*—
 8 *The Minden Interagency Dispatch Center is located*
 9 *on land made available by the State of Nevada in*
 10 *Minden, Nevada, and will serve as a joint facility for*
 11 *the Forest Service and the Nevada Division of For-*
 12 *estry for the purpose of fighting wildland fires. The*
 13 *expansion of the center shall include living quarters*
 14 *and office space for the Blackmountain Hotshot Crew,*
 15 *a guard station for housing engines and patrol vehi-*
 16 *cles, an air traffic control tower, a training facility,*
 17 *and a warehouse.*

18 (4) *LIMITATION.*—*None of the amounts made*
 19 *available to the Carson Water Subconservancy Dis-*
 20 *trict under paragraph (1)(B) shall be used to pay the*
 21 *costs of litigation.*

22 (e) *RELATION TO OTHER PROPERTY MANAGEMENT*
 23 *LAWS.*—*The land described in subsection (a) shall not be*
 24 *subject to chapter 5 of title 40, United States Code, as codi-*
 25 *fied by Public Law 107–217 (116 Stat. 1062).*

1 (f) *WITHDRAWAL.*—*Subject to valid existing rights, all*
 2 *Federal land described in subsection (a) is withdrawn from*
 3 *location, entry, and patent under the public land laws,*
 4 *mining laws, and mineral leasing laws, including geo-*
 5 *thermal leasing laws.*

6 (g) *REVOCATION OF PUBLIC LAND ORDERS.*—

7 (1) *IN GENERAL.*—*To facilitate the sale of par-*
 8 *cels of land described in subsection (a), the Secretary*
 9 *shall revoke any public land orders in existence on the*
 10 *date of the enactment of this Act that withdraw the*
 11 *parcels from all forms of appropriation under the*
 12 *public land laws, to the extent that the orders apply*
 13 *to land described in such subsection (a).*

14 (2) *EFFECTIVE DATE.*—*A revocation under para-*
 15 *graph (1) shall be effective on the date on which the*
 16 *instrument conveying the parcels of land subject to*
 17 *the public land order is executed.*

18 (h) *REPORT.*—*The Secretary shall submit to the Com-*
 19 *mittee on Agriculture and the Committee on Resources of*
 20 *the House of Representatives and the Committee on Agri-*
 21 *culture, Nutrition, and Forestry of the Senate an annual*
 22 *report on all land sales made under this section.*

Amend the title so as to read: “A bill to direct the Secretary of Agriculture to sell certain parcels of Federal land in Carson City and Douglas County, Nevada.”.

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